THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

CRIMINAL REVISION CASE No.333 of 2011

ORDER:

1 The petitioner herein was tried as accused in C.C.No.405 of 2008 for the offence punishable under section 324 of IPC by the learned Additional Junior Civil Judge, Repalle. The learned Magistrate having assessed the entire evidence both oral and documentary found the petitioner guilty of the said offence and accordingly sentenced him to undergo simple imprisonment for a period of five months As against the said judgment dated 12.05.2010, the petitioner preferred Criminal Appeal No.270 of 2010 and the learned XI Additional District & Sessions Judge, Fast Track Court, Guntur District at Tenali, by his judgment dated 09.02.2011 while concurring with the said finding given by the learned Magistrate, dismissed the said appeal. Questioning the same the accused preferred this revision.

2 Brief facts that led to the filing of the present revision are that two days prior to 29.03.2008 P.W.1 and another worker drank coconut water in the field of the petitioner without his consent, whereupon the petitioner abused them. Then P.Ws.1 to 4 went to the house of one Raghavarao, but as he was not present, P.Ws.1 to 4 discussed the matter with P.W.6 who is the son of the said Raghavarao and in that discussion some altercation took place between P.Ws.1 to 4 and the petitioner. Then the petitioner grew wild and beat P.W.1 with a plastic chair on the left side of his head and caused injury.

3 Heard both sides.

4 The learned counsel for the petitioner submitted that this is not a fit case for interference, but, however, he requested the court to take a lenient view in so far as the sentence of imprisonment is concerned.

5 Having regard to the submissions made by the learned counsel for the petitioner this court looked into the record. The appellate court dismissed the appeal on 09.02.2011 and the petitioner was taken into custody immediately and since then he has been in jail. So the petitioner was in jail for a period of one week. In that view of the matter, since the offence for which the petitioner was convicted and sentenced is only under section 324 of IPC, and as the petitioner was in jail for a period of one week, this court is of the view that a lenient view can be taken in so far as the said sentence is concerned.

6 In the result, the sentence of simple imprisonment for a period of five months imposed on the petitioner for the offence punishable under section 324 of IPC by the learned Additional Junior Civil Judge, Repalle in C.C.No.405 of 2008 as confirmed by the learned XI Additional District & Sessions Judge (FTC) Guntur at Tenali in Crl.A.No.270 of 2010 is modified and the said sentence is reduced to that of the period which the petitioner had already undergone. Excepting the above modification, this revision in all other aspects is dismissed.

15.02.2011

Kvsn